



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,528	04/07/2004	David Sawyer	07844-648001	8330
21876 7590 05/12/2008 FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
TANK, ANDREW L				
ART UNIT		PAPER NUMBER		
2175				
MAIL DATE		DELIVERY MODE		
05/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,528

Applicant(s)

SAWYER, DAVID

Examiner

Andrew Tank

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 15-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 15-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following action is in response to the Request for Continued Examination (RCE) filed under 37 CFR 1.53(d) for the instant application on February 11, 2008. Applicants have properly set forth the RCE, which has been entered into the application. Accordingly, the amendment submitted February 11, 2008 has been entered and an examination on the merits follows herewith.
2. Claims 1, 8, 13, 19, 24, and 29 have been directly amended. Claims 1-2, 4-13, and 15-33 are pending and have been considered below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2, 4-13, and 15-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Excel 2000, copyright 1999 Microsoft Corporation, hereafter known as "Excel", as evidenced by Blattner, "Special Edition Using Microsoft Excel 2000", published by Que Corporation 1999, previously presented as "Blattner", and Bott, "Special Edition Using Microsoft Office 2000", published by Que Corporation 1999, previously presented as "Bott", in further view of Oran et al. (US 5,757,371), previously presented as "Oran".

- **Claims 1, 13, and 24:** Excel discloses a method, computer product, and system comprising:
 - receiving from a user of a graphical user interface an input requesting the moving of a button from a source toolbar to a destination toolbar (Blattner page 869-870 “Modifying Toolbars”, Fig. 28.13), the button having a button presentation and a set of button constraints (Blattner page 871 Fig 28.16, pages 872-873 “Changing the Button Images”), the button constraints including a range of button heights and widths (Bott page 48 Fig. 2.9: “Each image is limited to this palette of colors and a total size of 32 pixels square.”), and the destination toolbar having a toolbar presentation and a set of toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”);
 - calculating an adapted presentation of the destination toolbar with the button, including calculating a modified presentation of the button subject to the set of button constraints and calculating a modified presentation of the destination toolbar subject to the set of toolbar constraints (Blattner pages 875-878 “Building Custom Toolbars”); and
 - drawing the destination toolbar and the button on the destination toolbar according to the adapted presentation (Blattner pages 875-878 “Building Custom Toolbars”).

However, Excel fails to specifically disclose the toolbar constraints include a range of toolbar heights for horizontal toolbar presentations and a range of toolbar widths for a vertical toolbar presentation, such that when the button is moved from the source toolbar to the destination toolbar, the toolbar

constraints determine the size of the moved button. Oran discloses a method for toolbars and shortcut icons to be displayed in a taskbar (Abstract: "A taskbar is provided that provides visual cues, such as buttons.."). The taskbar is resizable (Abstract: "The task bar is resizable.."), with variable heights in a horizontal presentation (Fig. 7 shows the horizontal taskbar being resized about it's height), and the functionality to place this same resizable taskbar in a vertical presentation (Fig. 10A shows the vertical taskbar anchored the right edge of the screen). Buttons are contained therein (col 6 lines 56-59, Fig. 3). When buttons are added to the taskbar, all the buttons are redrawn to a new size based on the available area of the taskbar and the number of buttons to be drawn (col 7 lines 5-19, Fig. 3, Fig. 5). The redrawn size for the buttons is uniform and the taskbar size does not change (Fig. 5). As would have been obvious to one having ordinary skill in the art at the time the invention was made, in the case of a vertical toolbar, the width is resizable. The button widths are modified when the toolbar constraint, i.e. the toolbar width, is modified. Simple substitution of this method in a horizontal toolbar having height changes would yield the predictable result of the buttons resizing according to the toolbar constrains, i.e. the toolbar height is modified, modifying the height of the buttons. Therefore, it would have been obvious to one having ordinary skill in the art and having the teachings of Excel and Oran before them at the time the present invention was made, that when a user drags a button from a source toolbar to a destination toolbar, as taught by Excel, the button is presented on the destination toolbar in by resizing the